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REMARKSThe Notice

The Notice indicates that applicants' March 16, 2007 amendment was non-compliant because claims 5, 10, and 68-74 were canceled in the amendment filed January 12, 2007 and thereafter could only be added as new claims beginning with claim number 87 (thereby following withdrawn claims 75-86). The Notice also indicates that claims 75-86 were labeled as "new" when they should have been labeled as "withdrawn". Accordingly, applicants have added new claims 87-89 and amended the status identifier for claims 75 and 80-85 to recite "withdrawn-currently amended".

The Claim Amendments

Applicants acknowledge that claims 1-74 were previously canceled. Additionally, applicants have canceled claims 76-79 and 86.

Applicants have added claims 87-89. Support for claim 87 is found in the specification, Table 1 at pages 23-25. Support for claim 88 and 89 is found in claims 10 and 11, respectively, as originally filed.

Applicants acknowledge that claims 75 and 80-85 are withdrawn from consideration. However, in case a linking claim is found allowable and in order to expedite prosecution applicants have amended claims 75 and 85 to recite methods of treatment using compound embodiments of the present invention. Additionally, claims 80-84 have been amended to change the claim dependencies. Specifically, claims 80-83 were amended to depend from claim 75 and claim 84 has been amended to depend from claim 83. Support for these amendments is found throughout the claims and specification as originally filed.

None of the above amendments adds any new matter. These amendments are further discussed below in the context of the Examiner's objections and rejections.

The Rejections

35 USC § 102(e)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Kenny, et al. in WIPO Publication No.: WO 2004/050646 A1, published June 17, 2004 (hereinafter, "Kenny"). Specifically, the Examiner asserts that Kenny "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 5 on page 34. Applicants traverse.

Kenny does not anticipate claims 1, 3-5 and 10-24 of the present application because the proper § 102(e) date for Kenny is the International Filing Date of November 23, 2003 and not the priority date of November 29, 2002. Thus, since Kenny's effective 102(e) date of November 23, 2003 is after the December 30, 2002 priority date of the present application, Kenny can not be considered as an anticipatory prior art reference under § 102(e). Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

The Examiner has also rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(e) as being anticipated by Coppola, et al. in US Patent Application Publication No.: US 2004/0023974, published February 5, 2004 (hereinafter, "Coppola"). Specifically, the Examiner asserts that Coppola "discloses numerous compounds which anticipate Applicant's Markush language of Claim 1" including Example 36 on page 48.

As discussed above, applicants have canceled claims 1-74 and have added species claim 87 directed to compound embodiments of the present invention. The compounds disclosed in claim 87 are distinct from and thus not anticipated by the species disclosed in Coppola. Because claims 88-89 depend from claim 87, they too are distinct and not anticipated by the disclosure of Coppola. Therefore, applicants respectfully request that the Examiner withdraw this § 102(e) rejection.

35 USC § 102(b)

The Examiner has rejected claims 1, 3-5 and 10-24 under 35 U.S.C. § 102(b) as being anticipated by Bright, et al. in *Journal of Immunological Methods*, Vol. 207 (1), pp. 23-31 (1997) (hereinafter, "Bright"). Specifically, the Examiner asserts that Bright "discloses Compound 12 which anticipates Applicant's Markush language of Claim 1."

As discussed above, applicants have canceled claims 1-74 and have added species claim 87 directed to compound embodiments of the present invention. The compounds disclosed in

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claim 87 are distinct from and thus not anticipated by the species disclosed in Bright. Because claims 88-89 depend from claim 87, they too are distinct and not anticipated by the disclosure of Bright. Therefore, applicants respectfully request that the Examiner withdraw this § 102(b) rejection.

The Objections

The Examiner has objected to claims 6-9 and 25-74 for containing nonelected subject matter. The Examiner has also objected to a typographical error in claim 5 wherein radical “-TmQ” should simply read “Q”.

As discussed above, applicants have canceled claims 1-74 thus obviating this objection.

Conclusion

Applicants request that the Examiner enter the above amendments, consider the accompanying remarks, and allow the pending claims to pass to issue.

Respectfully submitted,



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